

REMARKS

No 3.

OF

MR. BIDLACK, OF PENNSYLVANIA,

ON

THE RIGHT OF PETITION:

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

JANUARY 11 AND 12, 1844.

WASHINGTON:

PRINTED AT THE GLOBE OFFICE.

1844.

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REMARKS.

In the House of Representatives, January 11 and 12, 1844.—On the subject of abolition petitions; the question being the motion of Mr. A. V. BROWN to recommit the report of the Select Committee on the Rules to the said committee; which motion Mr. BLACK of Georgia had moved to amend by adding thereto instructions to the said committee to report back to the House the rule commonly known as the 21st rule, (i. e. that which excludes abolition petitions.) Mr. RHETT of South Carolina having concluded—

Mr. BIDLACK next obtained the floor, and spoke as follows: Sir, (said Mr. B.) I have risen from the impulse of the moment, to express my concurrence in many of the views of the gentleman from South Carolina, and, at the same time, to protest most earnestly against some of the positions which he has taken, and, above all, against that want of forbearance and moderation which he seemed to inculcate. Mr. B. did not believe there was that growing and manifest hostility to the Union which had been represented. Nothing but an imperious sense of duty could have induced him to offer himself to the attention of the House at this moment; especially, as he felt in a great measure undecided in his own mind as to the course it would be proper for him to take. He had listened to the gentleman who had just resumed his seat, in the hope of hearing some argument sufficiently strong to justify him in continuing to go with the South as he had done in the last, and thus far in the present Congress. His object at this time was, not so much to debate the merits of a question which seemed likely to become one of vital importance, as to make a public declaration of what would probably be his future course, and to present some of the reasons which would induce him to pursue it; and he did this chiefly to avoid the necessity of many private and some public explanations hereafter.

It was well known that he had uniformly voted in favor of the rule which excluded abolition memorials from the House; and he should still continue to do so, could he be convinced that he could continue to have the approbation of his own conscience, and be assured of the *undivided* support of the South. But, sir, (said Mr. B.,) I am not assured of either. Who could say the continuance of the rule was a measure that met the hearty concurrence of *all* those who represented themselves as parties most interested in the matter? That they claimed to feel so deep an interest in it, none could question who had listened to the gentleman who had just addressed the House; for that gentleman considered the question as of such deep importance that on it hung in a great measure the continuance of the Union. One would suppose, from

his remarks, that the existence of the Republic turned on the question now under consideration. This seemed to be the feeling not only from the course of remark indulged in here, but from indications which began to appear in a portion of the public press. He regretted having met in a paper of much celebrity in this city (the Spectator) with an article from the pen of a gentleman who did not usually look merely on the surface of things, in which he found language very similar to that which had just fallen from the gentleman from South Carolina, [Mr. RETT.] After an eloquent description of the 8th January, the article went on as follows: [Mr. B. here quoted from the article, alternately reading and commenting as he proceeded:] The article in question says, "but will the Union endure?" To this, Mr. B. would answer, with full confidence in the patriotism of the great mass of the people, both South and North, yes, sir, yes; it will endure!! But the same article goes on to say: "Perhaps our minds have become morbid, by hearing the eternal questioning of its continuance in the House of Representatives during this Congress. Perhaps we are low in spirits, or perhaps too high; but now, whilst nature is all calm, and would seem to 'rise up and bless us,' the doubt of the long continuance of our united Government presses upon our heart. The tongues and the hands of men are now busy, where hitherto it was supposed sacrilege to touch." Mr. Speaker, has it come to this? have we fallen upon such perilous times that the Representatives of the people in this hall cannot differ on a question of expediency, as to the adoption of rules for their own Government without endangering the Union? No, sir, no; it is not in the power of politicians thus to put this glorious Republic in danger. But sir, the article I am commenting on does not stop here; it goes on to say: "Members of Congress seem colder to each other. They sit in silence, watching, apparently, in stern eagerness. No cordiality—no friendliness—no confidence. But suspicion and dissatisfaction seem resting on their brows, whilst cold disdain and sarcastic smiles often settle around their lips. They do not appear to us to be brethren of the same political family, but rather discontented and jealous foes." I appeal (said Mr. B.) to the members of this House, to know if this representation of their manners and feelings be correct: if it be, I, for one, have been in happy ignorance of it. I say in happy ignorance; for, as Sir Walter Scott has remarked of the French revolution, when all is dark in a state, and behind the present evils nothing of hope is to be cherished, then "ignorance is bliss, and it is folly to be wise." The article concludes by representing the setting sun as a type of our Union; and with the prayer, "thus too, when it sinks, may

our glorious confederacy go down." The gentleman from South Carolina, who has addressed us so eloquently, closes by saying, "Union or no Union, the South will be free." I beg the gentleman to pause and reflect what kind of freedom he can promise to himself or to others, after the sun of our glorious confederacy shall have gone down in darkness. When the stars and the stripes of the Republic are torn in fragments, under what banner will the gentleman go forth to victory? Ay, sir, suppose he should find a banner, and victory should perch upon it: over whom will he obtain that victory? Gentlemen cannot flatter themselves with dissolution and freedom without all the horrors of a civil war. Mr. B. dwelt on the danger of thus, on all occasions, lightly calling in question the continuance of the Union. He referred to the good old times, of which his father (who had served seven years with Washington) often spoke to him, when it would have been held sacrilege even to broach such an idea. Sir, said he, I invoke gentlemen to come up to the consideration of this question in a spirit very different from that which has been exhibited here, and commented upon with such high-wrought coloring out of doors. I beg members to act under the influence of the noble and patriotic feelings which actuated the bosoms of those who made us a nation. If it be true, that the compromises of the Constitution—nay, the Constitution and the Union itself—are in danger, will not the people inquire why, in such an extremity, the Union and the Constitution could not be preserved by that spirit of concession and compromise in which they were formed? Why shall not this question be met with the feelings in which Hancock and Adams met Washington, Madison, and Jefferson?

As one of the humble Representatives of the "unpretending" State of Pennsylvania, which some of you are pleased to term the "Keystone" of this splendid arch of empires, I can say for myself, and I doubt not for my colleagues, that we have no desire or wish in this matter but to preserve our true position, standing erect in the centre, without bias on either side of this proud confederation of States. We disclaim any other desire than to hold an even scale between our Northern and Southern brethren?

In what condition do we find ourselves? A sovereign State at the North has sent her solemn resolve upon a delicate question, affecting the interests of several States at the South. Certain citizens of other States at the North and West have sent to us, as the national council, their petitions, which the Representatives of the South—some of them—say shall not be received, save at the hazard of the Union. It is not for us to call in question the motives of our brethren on either side; but we have a right to arrest the hand that would write "dissolution" upon all the proud monuments of our present glory as a nation.

While I am up, sir, I will venture to submit a word of inquiry to both parties. First, then, to the North: What have the abolitionists done to loosen the bonds of the slave? or what have they accomplished towards ameliorating the condition of the free man of color? Nothing, sir—worse than nothing. And of the Southern members he would inquire whether they had not injudiciously blended abolition and the right of petition in one cause, and thereby gained to the former numerous adherents, who would otherwise be found with the South? Would it not be a wiser policy to strip abolition of this cloak of the right of petition, and let it stand

forth in what they termed its own black and hideous deformity? Mr. B. was clearly of that opinion. He believed this very thing multiplied abolitionists by scores and hundreds. As to the assertion that the abolitionists were doing nothing to ameliorate the condition of the slaves, it can be shown—

[Here the morning hour having expired, Mr. BIDLACK was cut off. He remarked that the expiration of the hour had stopped him in the middle of a sentence. He would proceed then, or conclude next day, according to the pleasure of the House; whereupon the House went into Committee of the Whole.]

The next day, the House proceeded to the consideration of the unfinished business of the morning hour, being the report of the Select Committee on the Rules, together with the several pending questions.

Mr. BIDLACK, who was entitled to the floor, resumed his remarks, and continued them to the close of his hour.

He was in favor, he said, of the recommitment of the report, but without instructions. He had not only heretofore uniformly voted in favor of rules of this description, but on all questions upon motions to lay this whole subject on the table, he had voted for them also. He had been willing to abide by the rules of the last House, as amended at this session, rather than have this subject further agitated or discussed; and he regretted that he did not find more unanimity among Southern gentlemen upon motions to lay the whole subject upon the table. He was anxious to avoid all discussion; but since the South, or a portion of its members, appeared to be disposed to have this question discussed, he thought it to be his duty to review the grounds on which, at the last Congress, he had gone with them in support of that rule. When he had the honor of addressing the House yesterday, he expressed his regret at the manner in which this subject had been discussed, and the manner in which these discussions had been spoken of out of doors, and in the public prints.

What was the situation of the subject now before the House and before the country? From the North they were told that they must receive these petitions; that in refusing it they were refusing a constitutional right; and that, if persisted in, it must result in a dissolution of the Union. On the other hand, they had heard intimations from several Southern gentlemen upon this floor, and especially from the gentleman from South Carolina [Mr. RHETT] yesterday, that the reception of these petitions, Union or no Union, must be resisted. Now, when such declarations were made by gentlemen of ultra feeling on both sides, what was the proper course to pursue? It would seem that the Union was to be dissolved, right or wrong—gentlemen on each side seeming determined to carry out their propositions without compromise, even at the expense of the Union, and professing at the same time to be actuated by a regard for the Constitution. This would seem to be killing the Constitution with kindness. It was time, in this state of the case, to pause, and see if this matter could not be compromised.

Mr. B., when interrupted yesterday, had been going on to say to Northern gentlemen that he truly believed, however honest might have been the intentions of the abolitionists, or a portion of them, that they had effected nothing towards carrying out those intentions, and that before they had arrested the constitutional action of the States, the States had been going on in the work of emancipa-

tion. They had done nothing to ameliorate the condition of the free man of color. Indeed, in proof of this, he need only refer to one fact with reference to his own district. Since he had been in public life (and he was yet but a young man) free men of color in his district had exercised the most enlarged privileges which any freeman could enjoy; to wit, the right of suffrage. Yes, many men of color had he seen go to the polls in the town in which he resided, and deposit their votes against him. He had doubted their right to do so; and they exercised their right to vote against him for doubting their right; but these abolition movements had created such a reaction on that subject, that the constitution of his State was so amended that the right of suffrage was denied to them. Previous to that amendment of the constitution, they exercised the right of suffrage; and in some instances, where the judges and inspectors of the elections refused it to them, they prosecuted these officers, and the courts convicted them.

The question was carried to the Supreme Court; but before a decision was finally had, it was settled by the amendment of the constitution he had just stated. He would not, however, stop to refer to any more facts on this subject, his desire being principally to have the ear of Southern gentlemen on one point. He desired to have them to understand, that, though he had acted with them heretofore, it was not from a full conviction that it was the best policy; and experience had since convinced him that it was not. Previous to the adoption of the 21st rule, there was very little countenance given to abolition in the State of Pennsylvania; and he might refer to abundant evidence in proof of that fact. Why, before that time there was, so far as he was informed, but one abolitionist in the place in which he resided—he knew of no other—and that one was unable to make any converts. For the purpose of endeavoring to do so, he sent into a neighboring State for a celebrated lecturer on abolition; and when he arrived at the town in which he (Mr. B.) resided, the people not only refused to hear him, but provided for his passage in the stage, and sent him out of the county. He felt bound, in order that the people of the South might know the true state of feeling on the subject of abolition in his section of the country, to mention another fact, which, under other circumstances, he would be unwilling to refer to. They not only bundled this abolitionist, unheard, out of the county, but the man who sent for him—a man of standing and influence in the county—was actually ridden through the streets, at midday, on a rail.

Mr. Speaker, it pains me to be obliged to bring forward evidence that Northern men are willing to surrender their laws to the jurisdiction of Judge Lynch, rather than listen to any proposed infringements of Southern rights, at the same time that Southern members are looking upon us with distrust. He wished to hurt no man's feelings, and he referred to nothing that was done in a corner. If gentlemen still wanted further proof, could they not see it in the conflagrations which had lighted the streets of the commercial emporium of his State? Was not the burning evidence to be found in the destruction of the abolition hall in Philadelphia, some little assurance to the South that they had friends in Pennsylvania who were willing, at all reasonable hazards, to stand by them before the adoption of this rule?

But, as he said yesterday, this rule, which enables the abolitionists to come under the cloak of the

sacred right of petition, aided them more effectually than anything else in making converts.

The abolition lecturers, under the pretence of a meeting called to hear the right of petition discussed, lectured on the subject of the abolition of slavery; and they were, by this means, making many converts, which they would not otherwise be able to make; and, unless this pretext was taken from them by the repeal of the 21st rule, they would continue to increase the number of their followers. He always had doubts of the propriety of this rule; and his doubts extended not only to the merits of it, but to its expediency, as he told Southern gentlemen at the last Congress. He would not now, however, discuss the merits of the question, as to the right of Congress to adopt this rule; his only object was to have the ear of Southern gentlemen as to its expediency. He voted for it at the last Congress with some reluctance; but voted for it because he was appealed to by Southern gentlemen to do so, on the ground that this was a subject on which they were all united; and that it was a subject the agitation of which was not only endangering their right to the property secured to them by the Constitution, but was endangering the safety of those who surrounded their firesides. These appeals overcame his scruples, both as to the merits of the question and as to the expediency of the measure; and he voted to sustain the rules as they stood. He had before observed that, in the votes he then gave, he was not sustained by the united voice of the South; and he remarked that the subject was kept in agitation, and the motions of the gentleman from Massachusetts on the subject were frequently supported, not only by the casting votes of a Southern Speaker, but by the casting votes of Southern members. It was these casting votes by which the subject was kept in agitation, and the time of the House taken up in excited and unprofitable discussion.

Mr. WISE asked the gentleman from Pennsylvania to permit him to interrupt him for a moment. He felt called upon to make one remark in relation to one of the gentleman's observations.

Mr. BIDLACK (looking anxiously at the clock, his hour having nearly expired) said he would yield if the gentleman would not speak long, [laughter.]

Mr. WISE said the gentleman from Pennsylvania made some remarks which were very just and very proper. The gentleman had said that Northern men, who were willing to stand by and protect the rights of the South on this question, would continue to do so in one event that it was made a *sine qui non*—a condition precedent—that the Southern members should be united among themselves. He, (Mr. W.), approving of that sentiment—would ask the gentleman from Pennsylvania to state specifically who from the South had not united on this question? He made this request in order that it might not be supposed that he (Mr. W.) had not united and voted with the South on this question.

Mr. BIDLACK would return the compliment of the gentleman from Virginia, by saying that his remarks were very sensible and his requests very reasonable; but he did not know that it would be parliamentary for him to refer by name to members of the last Congress who were members of the present, and had changed their ground on this subject. He would, however, remark that the gentleman from Virginia would find that there were some coming from his own State, Virginia; that there were others from Kentucky; and that there were others from North Carolina; and the gentle-

man from Virginia could ascertain who they were by a reference to the journals of the House.

Sir, said Mr. B. you will remember that I remonstrated against it at the time. We had a position which the gentleman from North Carolina, in his simile of a battle, has well represented as an exposed one for Northern men; it was a position on the field in which they were sometimes exposed to two fires—one in which they were doing violence to the feelings of some of their best friends at home. Standing thus in the place of allies to the South, had they not a right to expect that no portion of the main line should either retreat or reserve their fire? And, above all, might they not demand that there should be no going over to the enemy? If you have a right to claim that we shall not surrender a post admitted to be a disadvantageous one, and an exposed one, certainly we may demand that none of you shall join the ranks of the enemy, and give them the victory. This had been done on some occasions, as the journals of the last Congress would show. Mr. B. must say that he felt sore upon this subject, and that they had more cause of complaint against Southern men in this Congress than in the last. So long as he had been told, when he came here, that those Southern men who would not unite with the great mass of the South upon this subject had been left at home, he had been disposed still to go with the South. But he found, if these gentlemen had been left at home, others had been sent here to supply their places and give the same votes. These were facts sufficient to make Northern men stop and examine the ground, and see if, in a doubtful case, they had not a right to judge for themselves, and act strictly in accordance with the dictates of their own conscience. Other motives had been presented before him. He had been told by his constituents, when they had seen the results of the election of 1840, inasmuch as a majority of the citizens of a majority of the Southern States had fought under the banner of a man who said he had joined an abolition society in his youth, and had acted in concert with the abolitionists and thrown themselves into their embraces, that they should be left there until they had seen the error of their ways, and brought forth works meet for repentance. But such considerations had not influenced him. He had taken the course which he had pursued, influenced by the appeals of Southern men, not so much in regard to their rights of property, but to interests which they held more dear, in regard to their homes, their families, and their hearth-stones.

But it had occurred in this Congress not only that Southern men were found voting against this rule, but that the gentleman from North Carolina was found addressing the House in many and almost unanswerable arguments against further sustaining it. Now, for one, Mr. B. was disposed to take into consideration whether it was not best to take the gentleman at his word, and, if there were responsibility, to let it rest with the gentleman himself. And in doing so, Mr. B. went no further, at present, than to say that he was disposed to recommit this subject to the committee, having had some intimation that, in that event, one member of the committee would ask to be excused from serving upon it, and that his place would be substituted, and the committee would examine the whole subject and see whether they could not report a rule upon which all moderate men could unite and put an end to this question. But when he did this, after the facts he had referred to, let no man charge him or his constituents with being iden-

tified with the abolitionists; let no man charge that he was disposed to abandon the compromises of the Constitution. He was but acting under the solemnity of his oath, and with no other motive than the good of the whole country, and for the protection of the rights of all in what he considered the best manner.

The question presented itself under the form of a mere question of expediency. If the South, as the gentleman from Virginia had said, will agree upon any manner of fighting this battle—if battle they are determined to call it—and will come up to the work and fire when we fire, (said Mr. B.,) and not retreat, (ay, *retreat* did I say?) not go over to the enemy and fire upon us, then I will maintain my position in that battle, and fight to the last. But if this was not done, was Mr. B. to be obliged to stand in a position on the field which he was thoroughly convinced was not the best position in which he could serve his country? When those who said they were most interested in the subject would not come up and sustain him in that position, was he not at liberty to take another position? And if he did take another position, would gentlemen shoot him down as a deserter? or would they not (which was all he asked) give him an honorable discharge?

Mr. HARALSON interposed, and inquired of Mr. BIDLACK who of the South had divided from the mass of Southern gentlemen upon this subject?

Mr. BIDLACK replied that when the motion had been made, no longer ago than day before yesterday, to lay the subject on the table, many gentlemen had voted against it, when, if it had been done, he thought he was correct in saying that they would have acted under the rules as adopted at the commencement of this session, and "the 21st rule" (or the 25th rule, as it now stood) would have been reenacted. For one, he was willing to abide by the rules as they had been adopted, rather than submit to this continued excitement and waste of time in debate. He had, therefore, voted to lay the report on rules, and all the questions connected with it, on the table. If Southern members had been at their posts, and had voted with him, the matter would have been thus disposed of. But, sir, the journals will show that some of them did not vote at all on the question, and eight or ten of them voted against us!! Sir, when gentlemen call upon Hercules, they should put their own shoulder to the wheel. For one, sir, I feel at liberty now to pursue my own course, and shall do it fearlessly. There had been an opportunity presented to give this agitation a *quietus*, at least for the present, and several members from Virginia, North Carolina, South Carolina, Georgia, Kentucky, and Tennessee, had refused to embrace it.

Mr. HARALSON was understood to say that the question of laying the subject on the table was a very different thing from the direct question on the 21st rule.

Mr. BIDLACK rejoined that if the establishment of this rule was what gentlemen were really at, their object would have been accomplished by laying this subject upon the table.

Mr. BLACK requested the floor, stating that he had voted against laying on the table, and he was desirous to give his reasons therefor.

Mr. BIDLACK declined to yield the floor, remarking that he had but little time remaining, and that the gentleman undoubtedly would have an opportunity to state his reasons hereafter.

As he had remarked, he was in favor of recommending the subject to the committee without instruc-

tions; and in this course he contended there was nothing so new or preposterous as gentlemen seemed to intimate. Had gentlemen recently read the report of Mr. Pinckney on this point? In that report Mr. P. spoke (and Mr. B. believed he was a Southern man) of having heard with surprise that some Southern gentlemen were offended at having the subject sent to a committee which should examine precedents in the case. This subject, said Mr. B., had been before Congress in 1805; and at that time, on the question of a resolution in relation to the abolition of slavery in this District, the votes had been as 47 to 65.

It would appear, from this, that it was not true, as some seemed to suppose, that the South was losing ground. Nothing like such an equality of vote would now be given. It has been well said that the peaceable adoption of this Government, under all the circumstances which attended it, presented the case of an effort of deliberation, combined with a spirit of amity and of mutual concession, which was without example. I ask gentlemen to profit by that exhibition.

The gentleman from South Carolina has referred to our situation as one of mutual danger. Will not this, if nothing else, enable us to overcome the impulsive force of local interests, and the want of confidence, to which so much allusion has been made? Can nothing impress upon us the importance of moderation in our deliberations? The question of the extent of the right of right of petition was one worthy of grave consideration. It was admitted that the abridgment of the right to assemble and petition in England had led to the adoption of the provision in our Constitution upon that subject. At the same time, it was contended that the right in this country was not as valuable as in the old country, because the people here have a right to command, where the representatives are their servants. A plain, unsophisticated mind will not readily see why the larger does not include the lesser right. If you may command your servant, why may you not request, or petition? For one, when I have made up my mind that the abolitionists, or any other portion of the community, are asking me to do what cannot be done without a violation of the Constitution which you, sir, have sworn me to support, I, for myself, do not wish to put a committee to the trouble of investigating and determining whether I should do it or not; but, if there are other

members that have not decided in their own minds, I am willing to give them the assistance of a committee. No five members out of any nine that can be found in this House will report against the compromises of the Constitution, as the South itself understands them. Then where is the danger? It was a maxim of the illustrious Jefferson, that "error of opinion might be safely tolerated, while reason was left free to combat it."

Admitting that we may refuse to legislate upon petitions asking for a violation of the Constitution, does it follow, as a necessary consequence, that we may refuse to receive the application? Is it clear that reception is an act of legislation? If so, where is it to stop? The party in power for the time being may reject petitions according to their construction of the Constitution as they understand it. At one time it will result in the rejection of the reception of petitions for the establishment of a national bank; for appropriations for objects of internal improvement; the West Point Academy, and perhaps other objects. There is a strong argument in favor of receiving all respectful petitions, and determining upon what should be done with them afterwards, arising out of the occurrence which we had witnessed yesterday. It appeared unsafe to depend upon the "brief verbal statement" of the member presenting them. I will not say the member might misrepresent the contents of the petition, but he may easily mistake it himself, and other members may mistake or misunderstand his representation of it. This, in fact, was alleged to have occurred according to the report of the committee made yesterday upon the petition presented by the gentleman from Ohio.

Mr. B. concluded by imploring gentlemen to look upon this subject in a common sense view, and neither to speak or to act upon it with excited feelings. There was no necessity for it. Let them depend upon it, if the South would unite upon any course of action on this question at all consonant with the principles of the Constitution—if they would refer this subject to a committee, and let that committee and let this Congress say they believed in the doctrines of the report of Mr. Pinckney, the Legislature of his State, now in session, would unanimously pass a resolution seconding the doctrines of that report, and so far as his State was concerned, she would be found standing erect as the "Keystone," determined, if possible, to sustain this arch of confederated States in all time to come.

